

## CHARTER ARTICLE V. ELECTION

### § 4. Election precincts and voting centers.

- (a) The Board of Aldermen, with the advice of the Board of Supervisors of Elections, shall establish by resolution, ~~shall establish the election~~ the precinct boundaries with the advice and cooperation of the Board of Supervisors of Elections, of election precincts and the location of voting centers.
- (b) ~~During any City election, a voter may vote in the voter's assigned precinct on election day or, if so provided by the Board of Aldermen, at an early voting center~~

### § 13. Poll watchers.

- (a) Any political party, as defined by Maryland law, and any candidate for election may designate an individual known as a poll watcher at each ~~polling place or early~~ voting center to observe the conduct of the election.
- (b) A poll watcher will be positioned near the election judges and inside the voting room so that the poll watcher may see and hear each voter as the person offers to vote. A poll watcher may not attempt to ascertain how a voter voted or intends to vote, confer in the polling room with any voter, or assist a voter in voting.
- (c) A poll watcher may not interfere with or obstruct an election judge in the proper performance of the election judge's duties. An election judge may eject a poll watcher who engages in any act prohibited by this section.
- (d) A political party or candidate who designates a poll watcher may remove the poll watcher at any time.

### § 19. Canvassing of votes.

- (a) The Board of Supervisors of Elections is responsible for canvassing the votes in all City elections. ~~At 9:00 a.m. or later on the first Thursday after election day, the Board of Supervisors of Elections shall convene and proceed to canvass the ballots cast at the election. For purposes of this Charter and the City Code, "canvass" means the entire process of vote tallying, vote tabulation, and vote verification, including the opening and tabulation of mail-in ballots and the review of provisional ballots, and culminating in the certification of the official election results.~~
- (b) Canvassing of ballots will be conducted on the dates and times and in the locations determined by the Board of Supervisors of Elections. The Board of Supervisors of Elections will provide reasonable public notice in advance of each canvass. The canvass will be conducted publicly, open to candidates and their representatives, the media, and the general public
- (c) Within 7 days after the closing of the polls, the Board of Supervisors of Elections shall determine the votes cast for each candidate or question and shall certify the ~~The results of the canvass shall be certified~~ election by the Board of Supervisors of Elections to the Director of Finance and to the Mayor and Board of Aldermen, which shall have the

results entered into its minutes. After the general election or a special election, the Director of Finance shall issue certificates of election to the candidates certified by the Board of Supervisors of Elections to have been elected. ~~The canvass includes the tabulation of votes cast during early voting.~~

## CODE ARTICLE I. IN GENERAL

### ~~Sec. 7-3. Absentee voting.~~

- (a) ~~**Requirements.** A registered voter in the City who is qualified to vote in a City election as an absentee voter shall personally complete the prescribed absentee ballot application and submit it to the office of the Board on or before the Tuesday preceding the election. Any registered voter in the City may vote by absentee ballot except to the extent preempted under an applicable federal law.~~
- (b) ~~**Determination of valid registration; delivery of ballots.** Upon receipt of an absentee ballot application, the Board shall determine whether the applicant is a voter legally registered to vote in the election, and if it finds the applicant is not so registered, shall reject the application. If the Board finds that the applicant is a registered voter as stated in the application, it shall deliver to the applicant at the Board's office or shall mail to the applicant an absentee ballot and related information. Postage for mailing absentee ballot material to the voter shall be paid by the Board, and postage for the return of the absentee ballot shall be paid by the voter.~~
- (c) ~~**Record of applications.** The Board shall keep a record of absentee ballot applications as they are received showing the names and residences of the applicants and where the ballot was delivered. These records are available for public inspection.~~
- (d) ~~**Registration of absentee ballots.** Upon receipt of an application for an absentee ballot and the delivery to the registered voter of an absentee ballot, the Board shall indicate on the list delivered to the person's election precinct that the person is voting by absentee ballot.~~
- (e) ~~**Late, in-person application.**~~
- (1) ~~**Requirements.** After the Tuesday preceding an election and before the time the polls close on election day, a qualified voter or the voter's authorized agent may apply in person for an absentee ballot.~~
- (2) ~~**Determination of valid registration; delivery of ballots.** Upon receipt of an absentee ballot application made under this subsection, the Board shall review the application. If the Board determines that the person meets the requirements of this section, it shall issue an absentee ballot to the applicant or the applicant's authorized agent. This absentee ballot shall be marked by the voter, placed in a sealed envelope, and returned to the office of the Board.~~
- (3) ~~**Agent.** If the voter does not apply in person, the voter shall designate an agent for the purpose of delivering the absentee ballot to the voter. The agent must be at least eighteen (18) years old and not a candidate on the voter's ballot. The agent shall execute an affidavit under penalty of perjury that the ballot was delivered to the voter who submitted the application, marked by the voter in the~~

agent's presence, placed in a sealed envelope in the agent's presence, and returned under seal to the office of the Board.

- ~~(f) **Canvassing of absentee ballots.** An absentee ballot is timely received, and will be counted, if it is postmarked on or before the date of the election and received by the Board no more than twenty-four (24) hours after the closing of the polls on election day. Not later than the canvass of the votes cast at the polling places on election day, the Board shall proceed to count, certify and canvass the ballots contained in the absentee ballot envelopes. If, during this time, the Board determines that the voter died before the date of the election, it shall reject and not count the deceased voter's absentee ballot.~~
- ~~(g) **Penalties.** Any person who falsely applies for an absentee ballot under this section is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00), incarceration of up to two (2) years, or both in the discretion of the court.~~

### **Sec. 7-3. Mail-in voting.**

- ~~(a) **Mailing.** For each election, the Board shall cause a mail-in ballot to be mailed to every voter qualified to vote in that election. Ballots must be mailed no more than x days and no less than x days prior to the election to which they apply.~~
- ~~(b) **Records.** The Board shall keep a full record of mail-in voting, including but not limited to the name and address of each voter, the date of issuance of ballots, and the date and time of receipt of the voted mail-in ballot. These records are available for public inspection.~~
- ~~(c) **Delivery.** A mail-in ballot may be returned by mail in accordance with any instructions accompanying the ballot. A ballot returned by mail is timely received, and will be counted, if it is postmarked on or before the date of the election and received by the Board no more than 24 hours after the polls close on election day. In addition, a mail-in ballot may be delivered in person and dropped in a depository provided for that purpose at a voting center or other location as determined by the Board.~~
- ~~(d) **Postage.** Postage for transmitting the mail-in ballot to the voter and for the return of the mail-in ballot will be paid by the City.~~
- ~~(e) **Replacement ballot.** A registered voter may obtain a replacement mail-in ballot if the original ballot was destroyed, spoiled, lost or not received by the registered voter. A registered voter who obtains a mail-in ballot in accordance with this section will be required to sign an affidavit, in a form approved by the Board, specifying the reason for requesting the replacement ballot.~~

### **Sec. 7-3.1. Voter assistance for mail-in ballot voting.**

- ~~(a) **Generally.** Any voter who requires assistance in casting a mail-in ballot by reason of disability, inability to write, or inability to read the ballot may be given assistance by an agent of the voter. An agent giving assistance to a voter pursuant to this subsection shall include a certification of assistance to be included with the mail-in ballot.~~
- ~~(b) **Agents.** An agent of a voter:~~

- (1) Must be at least 16 years of age;
  - (2) Must not be a candidate or an agent of any candidate in that election;
  - (3) Shall be designated as the agent of the voter in writing signed by the voter under penalty of perjury; and
  - (4) Shall execute a certification under penalty of perjury that the ballot was marked and placed in a sealed envelope by the voter, or with permitted assistance, in the agent's presence.
- (c) **Candidates.** No mail-in ballot, completed or otherwise, shall be handled or delivered by a candidate or any individual volunteering or working for a candidate, except for their own ballot or that of their immediate family member or member of their household.
- (d) **Collection and delivery.** An individual that is permitted to receive or collect a registered voter's mail-in ballot must:
- (1) Accept only a ballot that is within a sealed envelope;
  - (2) Deliver the ballot in accordance with all applicable laws and regulations; and
  - (3) Not accept payment in any form for the collection and/or delivery of the ballot.

#### Sec. 7-3.2. Provisional voting.

- (a) **Basis.** An individual who wishes to vote in person on election day shall be issued a provisional ballot if:
- (1) Official records indicate that the individual received a mail-in ballot or already voted in that election;
  - (2) There is a question involving the individual's address or other factor relating to the individual's eligibility to vote; or
  - (3) The individual votes during a period covered by a court order or other order extending the time for closing the polls. A provisional ballot cast under this subsection shall be separated and held apart from other provisional ballots cast by those not affected by the order.
- (b) **Procedures.** The provisional ballots shall be processed in accordance with procedures established by the Board.

#### **Sec. 7-4. Conduct and operation of elections.**

- (a) Records.** All office procedures, transactions and record maintenance relating to any election of the City shall be conducted under the supervision of the Board. All election data must be preserved for at least ~~five (5)~~5 years after the date of the election. All voted ballots used in any election must be preserved for at least ~~two (2)~~2 years after the date of the election. Unused ballots must be retained until the election results have been certified, after which they may be destroyed.

**(b) Notice of elections.**

- (1) ~~Twice~~ At least three times before each City election, the Board shall give notice of elections by publishing notice in a newspaper of general circulation in the City.
- (2) Each notice must include the hours of the polls, listing of polling places, and the offices and questions to be voted upon at the election.
- (3) ~~Except as otherwise provided in this paragraph, the~~ The first notice must be published at least ~~x days before mail-in ballots are mailed to qualified voters. This notice will provide any information deemed necessary by the Board with respect to mail-in ballots and the mail-in voting process. This notice will include a copy of a specimen ballot listing the candidates' names, offices, and party affiliation, as well as any questions to be voted on.~~
- (4) The second notice must be published at least eight (8) days before election day. ~~If the Board of Aldermen has provided for early voting as part of a certain election, the first notice must be published at least eight (8) days before the first day of early voting for that election. At the same time the first notice is published, a copy of the specimen ballot listing the candidates' names and offices, party affiliation, and questions must also be published.~~
- (45) The ~~second~~ third notice must be published the day before election day.

(c) **Voting machines.** The use of voting equipment is hereby authorized for all City elections.

(d) **Polls open.** For all City elections, the polls shall remain open from 7:00 a.m. to 8:00 p.m. on election day.

(e) **Unofficial vote totals.** As soon as the polls have closed on election day, the judges of elections shall produce unofficial vote totals for each ~~polling place~~ voting center and post them at the ~~polling place~~ voting center in a prominent location, accessible to the public. The judges of elections shall complete all reports required by law and deliver to the Board's office all voted ballots, documents, and other election-related materials.

(f) **Voter assistance.** \*\*\*

**Sec. 7-5. Judges of election.**

(a) **Number.** On or before June 15, 2017, and on or before June 15 every ~~four (4)~~ 4 years after that, the Board shall appoint ~~judges of election~~ election judges for the next election. The Board shall determine the number of election judges to appoint, subject to the requirements of this subsection. For each ~~precinct on election day, or at an early~~ voting center, ~~during early voting,~~ there shall be an equal number of election judges from each of the two principal political parties, as defined by Maryland law. If the total number of election judges for a ~~precinct or at an early~~ voting center is ~~four (4)~~ 4 or more, the Board may appoint one or more election judges ~~for that precinct~~ who are not registered with either of the principal political parties, as long as there are an equal number of election judges for that ~~precinct~~ voting center from each of the principal political parties.

(b) **General qualifications**Qualifications.

(1) Except as otherwise provided in this subsection, the Board may appoint as election judge any registered voter residing in the City. all election judges serving on election day must be residents and registered voters in the election precinct in which they are appointed to serve. Election judges serving during early voting must be City residents and registered voters. If a qualified individual residing in the City cannot be found with reasonable effort, then the Board may appoint as election judge any registered voter residing in Frederick County.

(2) A city resident who is at least 17 years old may be appointed to be an election judge. A minor who is too young to be a registered voter shall demonstrate, to the satisfaction of the Board, that the minor meets all of the other qualifications for registration in the City.

(3) All election judges must be persons~~individuals~~ of high character, and integrity and capable of performing their duties in a satisfactory manner. The judges of elections must be able to speak, read and write the English language during the time of acting as a judge; must not hold nor be a candidate for any other public or political party office nor be a campaign manager or treasurer for a candidate or campaign committee. The Board may prescribe additional requirements as it may deem necessary for determining the qualifications of persons proposed for appointment as judges of elections.

~~(c) **Residing outside precinct.** If a qualified individual residing in the election precinct cannot be found with reasonable effort, then the Board may appoint as election judge any registered voter residing in the City. If a qualified individual residing in the City cannot be found with reasonable effort, then the Board may appoint as election judge any registered voter residing in Frederick County.~~

~~(d) **Minors.** A minor at least seventeen (17) years old who is a resident of the City may be appointed to be an election judge. A minor who is too young to be a registered voter shall demonstrate, to the satisfaction of the Board, that the minor meets all of the other qualifications for registration in the City.~~

~~(e) **Vacancies.** Vacancies for any reason among the judges of elections shall be filled by the Board for the remainder of the unexpired term.~~

~~(f) **Duties.** The election judges shall perform all necessary duties in regard to the conduct of the election at the polling places and early voting centers, including but not limited to providing voting assistance to a voter if requested by the voter to do so. All election judges are required, as part of their appointment, to attend a training session. The compensation of all judges of elections shall be determined by the Board of Aldermen.~~

~~(g) **Oath of office.** All judges of election appointed by the Board shall be promptly notified of their appointment, with direction to appear before the Board, at a time designated in such notice, for the purpose of qualifying. Each judge shall take and subscribe to the following oath of office:~~

*I, \_\_\_\_\_ residing at \_\_\_\_\_ in the State of Maryland, do swear that I will support the Constitution of the United States and that I will be faithful and bear true allegiance to the*

*State of Maryland and support the Constitution and Laws thereof and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, discharge the duties of election judge in The City of Frederick, according to the Constitution and Laws of this State.*

**Sec. 7-6. Recount of ballots.**

**(a) Scope and definition. \*\*\***

**(b) Petition.**

(1) A candidate for Mayor or Alderman who has been defeated based on the results of a primary, general, or special election may petition the Board for a recount of the votes cast for the office sought.

~~(2) The petition must specify that the recount be conducted in all precincts or only in certain specified precincts designated in the petition. For purposes of this section, absentee ballots and votes cast during early voting are each considered a separate precinct.~~

~~(3)~~ A petition must be filed with the Board, in writing, within ~~three (3)~~ business days after the Board certifies the results of the canvass of ballots.

~~(4)~~ In a petition demanding the recount of votes that were cast on ballots and counted using an optical scan system, the petitioner shall specify whether the recount shall be conducted by:

(A) manually retabulating the election totals reports printed during the canvass;

(B) rescanning all ballots using:

(i) the same vote tabulating equipment that was used in the election;  
or

(ii) alternative vote tabulating equipment, if alternative equipment is available and its use is feasible; or

(C) manually retabulating all ballots.

**(c) Counterpetition. \*\*\***

**(d) Bond. \*\*\***

**(e) Notice. \*\*\***

**(f) General conduct of recount.**

(1) The Board shall conduct the recount in accordance with this section.

- (2) The recount must begin within ~~five (5)~~5 business days after the Board receives the petition or counterpetition. The recount must continue daily, at least ~~eight (8)~~8 hours each day, until completion, except that the Board may suspend the recount on Sundays and City holidays.
- (3) If the petition for recount is filed before the official canvass is completed, the Board shall finish the canvass and then conduct the recount in accordance with this section.
- (4) Every recount must be conducted publicly, open to candidates and their representatives, other parties to the recount, the media, and the general public.

(g) **Verifying ballots.** \*\*\*

(h) **Recount procedures.** \*\*\*

(i) **Costs.** \*\*\*

**Sec. 7-7. ~~Selection of polling places.~~Voting centers.**

- (a) **Selection.** The Board shall provide for each election a suitable place or places ~~in each precinct for voting. The polling places in each precinct should be as near the center of the voting population of the precinct and as convenient to the greater number of voters as is practicable.~~ within the City to serve as voting centers. An election may not be held in any building that is used as, or connected by doors or hallways to, a place where alcoholic beverages are sold may not be used as a voting center.
- ~~(b) The Board may provide a centralized polling place to be used by the voters of one or more precincts in the City, subject to the approval of the Board of Aldermen.~~
- ~~(c) **Accessibility.** If the Board is unable to find a suitable place for voting in any election precinct, it may provide a polling place for said precinct in any other adjacent precinct. Every polling-voting center place, to the extent feasible, must be structurally barrier free in order to permit reasonable access to disabled voters.~~